

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Anthony R. McClain,

Case No. 3:16 CV 554

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

FCI Elkton, et al.,

JUDGE JACK ZOUHARY

Respondents

This Court has reviewed the Magistrate Judge's Report and Recommendation ("R&R") (Doc. 17). The R&R recommends McClain's Petition (Doc. 1) be dismissed (1) as moot, as to McClain's claims regarding his disciplinary record and good time credits, and (2) for lack of subject-matter jurisdiction, as to McClain's additional claims (Doc. 14) for emotional distress and monetary damages.

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to an R&R within fourteen (14) days of being served with the R&R. If a party timely objects, this Court reviews *de novo* the portions of the R&R to which objections were made. If a party does not timely object, the party waives *de novo* review by the district court. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

McClain's deadline for filing objections has passed, and this Court has received no requests for extension. The R&R accurately states the facts and law. This Court adopts the R&R in full.

McClain's claims regarding his disciplinary record and good time credits are dismissed with prejudice as moot. His claims for emotional distress and monetary damages are dismissed without prejudice for lack of subject-matter jurisdiction.

Further, this Court certifies an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 17, 2016